In the Office Action mailed September 19, 1997, Claims 1-8 were rejected under 35 U.S.C. § 112, second paragraph. Claims 1 and 2 were rejected for not having antecedent support for **"the bottom surface"**. Claim 3 was rejected for failing to provide basis for **"a sealing assembly between the top and bottom surfaces."**

Claim 1 has been amended to provide antecedent basis for **"the bottom surface"** recited on lines 6 and 7 of Claim 1 and line 2 of Claim 2. With reference to Claim 3, antecedent basis for the recitation **"a sealing assembly between the top and bottom surfaces"** is already provided on page 2 of the specification, on lines 21-24. However, the specification has been amended on page 5, line 4, to provide additional support for the sealing assembly recited in Claim 3. No new matter has been added. In view of the amendments above, reconsideration and withdrawal of this rejection are requested.

In the Office Action, Claims 1, 5 and 7 were rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 5,456,714 ("Owen"). Claim 1 has been amended to include the limitations recited in Claim 2 which were indicated to be allowable by the Examiner. Thus, it is believed that Claim 1 is in condition for allowance. It is also believed that Claims 3-6, which depend from Claim 1, are also in condition for allowance.

In the Office Action, Claims 1, 5, 6, 9 and 16-25 were rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 4,366,819 ("Kaster"). Kaster discloses an anastomotic fitting including a tube 12, a ringflange 14, a fixation ring 16, and a locking ring 18. The ringflange 14 is adapted to be secured to one end of tube 12 and includes a circular member 14a having a concentric central aperture 14b. Fixation ring 16 is circular and also has a concentric central aperture 16b having a dimension slightly larger than that of tube 12. The locking ring 18 has a central aperture having concentric ridges 18f dimensioned to engage grooves 12e on tube 12. In use, a saphenous vein 20 is secured between tube 12 and ringflange 14 and ringflange 14 is passed through a hole 22a in the aortic wall 22. Fixation ring 16 is advanced about tube 12 to compress aortic wall 22 between ring 16 and ringflange 14. Locking ring 18 is also advanced along tube 12 into engagement with fixation ring 16 to retain ring 16 at a position to compress the aortic wall.

As discussed above, Claim 1 has been amended to recite the limitations recited in Claim 2 which were indicated to be allowable by the Examiner. Thus, it is believed that Claim 1 and Claims 3-6 which depend therefrom are believed to be in condition for allowance.

Claim 9 recites a graft attachment assembly including a graft member including a base portion having a top surface and a branch portion having a passageway therethrough. The branch portion projects outwardly from the base portion. A clamp member has a bottom surface configured to sealingly engage the top surface of the base portion and an opening dimensioned to slidably receive the branch portion. The clamp member is movable about the branch portion to a position adjacent to the base portion to clamp tissue therebetween. A locking member is slidable about the branch portion and is dimensioned to secure a vessel about the branch portion at a position spaced from the base portion and the clamp member.

It is respectfully submitted that Kaster does not disclose or suggest the graft attachment assembly recited in Claim 9. More specifically, Kaster does not disclose or suggest a graft attachment assembly having, inter alia, a graft member having a base portion and a branch portion, a clamp member movable about the branch portion to a position adjacent to the base portion to clamp tissue therebetween, and a locking member slidable about the branch portion to secure a vessel about the branch portion at a position spaced from the base portion and the clamp member. As discussed above, Kaster's locking ring must engage the fixation ring 16 to maintain compression on aortic wall 22 and thus cannot be spaced from the locking ring to secure a vessel about the branch portion. Thus, it is believed that Claim 9 is in condition for allowance.

Claims 16 and 17 depend from Claim 9. For the reasons discussed above with respect to Claim 9, inter alia, Claims 16 and 17 are also believed to be in condition for allowance.

Claim 18 recites a graft attachment assembly including an attachment member having a base insertable into a vessel lumen and at least one branch extending distally therefrom to receive a graft. A locking member is positionable about the graft and the branch at a position spaced from the base to retain the graft on a distal portion of the branch.

It is respectfully submitted that Kaster does not disclose or suggest the attachment assembly recited in Claim 18. For example, Kaster does not disclose or suggest a graft attachment assembly including an attachment member having a base and at least one branch extending distally from the base to receive a graft, and a locking member positionable about the graft and the branch at a position spaced from the base to retain the graft on a distal portion of the branch. As discussed above, Kaster's locking ring 18 must be positioned to engage fixation ring 16 to maintain compression on aortic wall 22. Thus, Kaster's locking ring 18 cannot be spaced from the base to retain a graft on a distal portion of the branch. Therefore, it is believed that Claim 18 is in condition for allowance, and such an indication by the Examiner is respectfully requested. Likewise, it is believed that Claims 19 and 20, which depend therefrom, are in condition for allowance.

Claim 21 recites a method of attaching first and second vessel portions comprising the steps of placing a base portion of a graft attachment assembly within a lumen of the first vessel portion, wherein the graft attachment assembly includes a branch portion projecting from the base portion which is positioned to extend distally from the vessel; positioning a second vessel portion about a first end of the branch portion; and frictionally securing the second vessel portion about the branch portion at a location spaced from the base portion.

It is respectfully submitted that Kaster does not disclose or suggest the method recited in Claim 21. For example, Kaster does not disclose, inter alia, a method of attaching first and second vessel portions including the steps of placing a base portion of a graft attachment assembly having a branch portion within a lumen of a first vessel portion and frictionally securing a second vessel portion about the branch portion at a location spaced from the base portion. As discussed above with respect to Claims 9 and 18, Kaster's locking ring 18 must be positioned to engage fixation ring 16 to maintain compression on aortic wall 22 and cannot be used to frictionally secure a vessel portion about the branch portion at a location spaced from the base portion. Thus, it is believed that Claim 21 and Claims 22-25 which depend therefrom, are in condition for allowance. Such an indication by the Examiner is respectfully requested.

Applicants gratefully acknowledge the Examiner's indication that Claims 2, 3, 4, 8 and 10-15 would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112. As discussed above, Claim 2 has been incorporated into Claim 1 from which it depended. Further, Claims 8 and 10 have been rewritten in independent form.

It is believed that the application as now presented, containing Claims 1, 3-6, and 8-25, is patentably distinct over the art of record and is in condition for allowance. In the event that the Examiner feels that a telephone conference or a personal interview with Applicant's attorney may facilitate resolution of any remaining matters, he is respectfully requested to contact the undersigned. In view of the foregoing, early and favorable reconsideration of this application is respectfully requested.

Respectfully submitted,

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